

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

---

KEVIN HOLLAND,  
  
Petitioner

v.

LAMINE N'DIAYE,  
  
Respondent

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 21-14155 (RMB)

**OPINION**

BUMB, United States District Judge

This matter comes before the Court upon Petitioner Kevin Holland's ("Petitioner") motion for reconsideration (Docket No. 6) of this Court's Opinion and Order dated November 17, 2021, *sua sponte* dismissing his petition for writ of habeas corpus under 28 U.S.C. § 2241 for lack of jurisdiction. On October 4, 2021, the United States Supreme Court granted certiorari and vacated and remanded *United States v. Nasir* to the Third Circuit Court of Appeals for further consideration in light of *Greer v. United States*, 593 U.S. —, 141 S.Ct. 2090, 210 L.Ed.2d 121 (2021).<sup>1</sup> *United States v. Nasir*, 142 S. Ct. 56 (Oct. 4, 2021). *Greer* did not address the issue of whether inchoate crimes are included in the definition of controlled substance offenses in U.S.S.G. §

---

<sup>1</sup> The Supreme Court also denied a petition for certiorari in *United States v. Nasir*. See *Nasir v. United States*, 142 S. Ct. 275 (Oct. 4, 2021) (cert. denied).

4B1.2(b). Therefore, it is not clear whether Petitioner has a claim under *Nasir*, and if so, how and when the claim may be presented. Therefore, this Court will grant Petitioner's motion for reconsideration and direct Respondent to file an answer that addresses jurisdiction and the merits of the petition.

An appropriate Order follows.

Dated: **June 29, 2022**

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
**United States District Judge**